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11 ATTORNEYS FOR PLAINTIFF

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE WESTERN DISTRICT OF WASHINGTON

15 EQUAL EMPLOYMENT OPPORTUNITY  
16 COMMISSION,

17 Plaintiff,

18 v.

19 VIRGINIA MASON MEDICAL CENTER,

20 Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

21 NATURE OF THE ACTION

22 This is an action under Title I of the Americans with Disabilities Act of 1990 to correct  
23 unlawful employment practices on the basis of disability and to provide appropriate relief to  
24 CaTina White, who was adversely affected by such practices. The Equal Employment  
25 Opportunity Commission alleges that Virginia Mason Medical Center ("Defendant" or "Virginia  
Mason") discriminated against Ms. White, a qualified individual with a disability, when it

1 refused to provide her with a reasonable accommodation, and summarily terminated her  
2 employment because of her disability.

3  
4 JURISDICTION AND VENUE

5 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,  
6 1343 and 1345. This action is authorized and instituted pursuant to Section 107(a) of the  
7 Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12117(a), which incorporates by  
8 reference Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §  
9 2000e-5(f)(1) and (3) ("Title VII"), and pursuant to Section 102 of the Civil Rights Act of 1991,  
10 42 U.S.C. § 1981a.

11 2. The employment practices alleged to be unlawful were committed within the  
12 jurisdiction of the United States District Court for the Western District of Washington.

13 PARTIES

14 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is  
15 the agency of the United States of America charged with the administration, interpretation and  
16 enforcement of Title I of the ADA and is expressly authorized to bring this action by Section  
17 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1)  
18 and (3) of Title VII, 42 U.S.C. 2000e-5(f)(1).

19 4. At all relevant times, Defendant Virginia Mason has continuously been doing  
20 business in the State of Washington and has continuously had at least 15 employees.

21 5. At all relevant times, Defendant has continuously been an employer engaged in an  
22 industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. § 12111(5), and  
23 Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections  
24 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

25 6. At all relevant times, Defendant has been a covered entity under Section 101(2) of  
the ADA, 42 U.S.C. § 12111(2).

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STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, CaTina White filed a charge with the Commission alleging violations of Title I of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least March 18, 2005, Defendant has engaged in unlawful employment practices, in violation of Sections 102(a) and 102(b)(6) of Title I of the ADA, 42 U.S.C. §§ 12112(a) and 12112(b)(6). The Defendant discriminated against CaTina White, a qualified individual with a disability, when it failed to provide a reasonable accommodation to her, and then terminated her because of her disability, in violation of Sections 102(a) of the ADA.

9. The effect of the practices complained of in paragraph 8 above has been to deprive Ms. White of equal employment opportunities and otherwise adversely affect her status as an applicant for employment, because of her disability.

10. The unlawful employment practices complained of in paragraph 8 above were and are intentional.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, agents, successors, assigns, and all persons in active concert or participation with it, from unlawfully failing to provide equal employment opportunities to applicants for employment and employees with disabilities and to accommodate applicants' and employees' disabilities, and any other employment practice which discriminates on the basis of disability.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole CaTina White by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

1           D.     Order Defendant to make whole CaTina White by providing compensation for  
2 past and future pecuniary losses resulting from the unlawful employment practices described in  
3 paragraph 8 above, including past and future out-of-pocket losses, in amounts to be determined  
4 at trial.

5           E.     Order Defendant to make whole CaTina White by providing compensation for  
6 past and future non-pecuniary losses resulting from the unlawful practices complained of in  
7 paragraph 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life,  
8 and humiliation, in amounts to be determined at trial.

9           F.     Order Defendant to pay CaTina White punitive damages for its malicious and  
10 reckless conduct, as described in paragraph 8 above in amounts to be determined at trial.

11          G.     Grant such further relief as the Court deems necessary and proper in the public  
12 interest.

13          H.     Award the Commission its costs of this action.

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JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 3 day of June, 2008.

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